

**AMENDMENTS TO THE DRAWINGS**

Figures 3 and 4 have been amended. The attached sheets of formal drawings replace the original sheets including Figures 3 and 4.

## REMARKS

Claims **21-40** are pending in this application. According to the December 27, 2007 Office Action, claims **21-40** are rejected.

We have amended independent claims **21, 29, and 37**, and have amended dependent claims **22-28, 30-36, and 38-40** to recite particular embodiments that we, in our business judgment, have currently determined to be commercially desirable. The subject matter of the previously presented claims will be pursued in one or more continuing applications. The amendments do not introduce any new matter.

Accordingly, the following claims are under consideration:

- Independent claims **21, 29, and 37**.
- Dependent claims **22-28, 30-36, and 38-40**.

### **I. AMENDMENTS TO THE FIGURES**

Figure 3 has been amended to be consistent with paragraph [0030] of the Specification (the paragraph reference is with respect to the publication of the application, U.S. Patent Application Publication No. 2004/0009812). In particular, the following amendments have been made:

1. Element 175 has been amended to state “Player selects another play” rather than “Player selects same game at another track.”
2. The arrow extending from the top of element 175 has been amended to point to element 155 rather than element 140.
3. The statement relating to the arrow extending from the bottom of element 185 has been amended to state “To 140” rather than “To 220.”

Figure 4 has been amended to be consistent with paragraph [0035] of the Specification. In particular, the following amendment has been made:

1. The statement relating to the arrow extending from the bottom of element 275 has been amended to state “To 255” rather than “To 250.”

## II. RESPONSE TO REJECTION OF CLAIMS OVER BRENNER IN VIEW OF MIR

At pages 2-6 of the Office Action, claims **21-22, 25-30**, and **33-38** are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner et al., U.S. Patent 5,830,068 (hereinafter Brenner) in view of Mir et al., U.S. Patent 6,450,887 (hereinafter Mir).

Amended independent claim **21** (and similarly amended independent claims **29** and **37**) recites in part:

*displaying to a player a game selection frame, wherein the game selection frame includes a plurality of games ...;*

*receiving from the player a selection of a first one of the plurality of games;*

*based at least in part on receiving the selection of the first game, displaying to the player a track selection frame, wherein the track selection frame includes a plurality of tracks at which the first game is available for play;*

*receiving from the player a selection of a first one of the plurality of tracks at which to play the first game;...*

*displaying to the player at least a first option and a second option wherein: ....*

*a selection of the second option by the player allows the player to select a game, different from the first game, at the first track without redisplaying to the player the track selection frame and as such, causes the player to remain at the first track and further causes the game selection frame to be redisplayed to the player, wherein the redisplayed game selection frame includes at least a second game, different from the first game, that is available for play at the first track;*

In rejecting claim **21** over Brenner, the Examiner, making reference to Brenner Figure 3, appears to equate the events/races of Brenner to the “*games*” of claim **21**, and appears to equate the “More Bets Other Race” option in menu [258] of Brenner to the “*second option*” of claim **21**.

Assuming, *arguendo*, that the events/races of Brenner are similar to the “*games*” of claim **21**, as the Examiner appears to assert, Brenner Figure 3 has not been shown to disclose the above limitations of claim **21**. Specifically, as shown in Brenner Figure 3, Brenner discloses a “select

track” step [196] and then a “select race” step [204], which is contrary to the limitations of claim **21** (i.e., “*displaying to a player a game selection frame ...; receiving from the player a selection of a first one of the plurality of games; ... displaying to the player a track selection frame, wherein the track selection frame includes a plurality of tracks at which the first game is available for play ...; [and] receiving from the player a selection of a first one of the plurality of tracks...* ”) as the Examiner appears to acknowledge (see Office Action, page 3 to page 4). Accordingly, Brenner Figure 3 has not been shown to disclose “*displaying to a player a game selection frame*” as claim **21** recites.

Furthermore, because Brenner Figure 3 has not been shown to disclose “*displaying to a player a game selection frame,*” the “More Bets Other Race” option in menu [258] of Brenner is different from “*option two*” of claim **21** in that selection of the “More Bets Other Race” option cannot “*cause[] the game selection frame to be redisplayed to the player.*” Accordingly, Brenner Figure 3 has not been shown to disclose the “*second option*” as recited by claim **21**.

In further rejecting claim **21** in view of Mir, the Examiner appears to equate Mir Figure 3a to the “*displaying ... of games*” of claim **21**, and appears to equate the “Exit to Menu” option of Mir Figure 3b to the “*second option*” of claim **21**.

Mir Figures 3a and 3b have not been shown to disclose the above limitations of claim **21**. Specifically, assuming, *arguendo*, that Mir Figure 3a may be similar to the “*displaying to a player a game selection frame ...*” of claim **21**, that from Figure 3a a “player selects the ‘Live Racing’ game option [and] ... is then allowed to select a track” as the Examiner asserts, and that a player may then further select the “Exit to Menu” option that “returns [the] player to the game selection screen of Figure 3a” as the Examiner asserts, the “Exit to Menu” option is different from “*option two*” of claim **21**. Specifically, the “Exit to Menu” option “return[ing] [the] player to the game selection screen of Figure 3a” does not “*allow[] the player to select a game, different from the first game, at the first track without redisplaying to the player the track selection frame*” and as such, the “Exit to Menu” option does not “*cause[] the player to remain at the first track and further cause[] the game selection frame to be redisplayed to the player, wherein the redisplayed game selection frame includes at least a second game, different from the first game, that is available for play at the first track,*” as claim **21** recites. Accordingly, Mir Figures 3a and 3b have not been shown to disclose the “*second option*” as recited by claim **21**.

Because neither Brenner Figure 3 or Mir Figures 3a and 3b have been shown to disclose the “*second option*” as recited by claim **21** (and similarly claims **29** and **37**), the combination of Brenner and Mir have not been shown to disclose such limitations.

Because claims **22, 25-28, 30, 33-36**, and **38** depend from independent claims **21, 29**, and **37**, Brenner and Mir, alone and in combination, have not been shown to disclose all the limitations of these claims for at least the same reasons as set forth above for claims **21, 29**, and **37**.

### **III. RESPONSE TO REJECTION OF CLAIMS OVER BRENNER AND MIR IN VIEW OF XIDOS**

At pages 6-7 of the Office Action, claims **23-24, 31-32**, and **39-40** are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner and Mir, and in further view of Xidos et al., U.S. Patent 5,851,149 (hereinafter Xidos).

Because claims **23-24, 31-32**, and **39-40** depend from independent claims **21, 29**, and **37**, Brenner, Mir, and Xidos, alone and in combination, have not been shown to disclose all the limitations of these claims for at least the same reasons as set forth above for claims **21, 29**, and **37**.

### **IV. CONCLUSION**

In view of the remarks and amendments, we respectfully submit that the claims are in condition for allowance. We request that the application be passed to issue in due course. The Examiner is urged to telephone the undersigned representative at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance.

Respectfully submitted,

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Date

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